

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

WENDELL DWAYNE O'NEAL,

Plaintiff,

v.

CHARLES REMUS, *et al.*,

Defendants.

---

Case No. 09-14661

Hon. Gerald E. Rosen

Mag. Judge Michael Hluchaniuk

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PLAINTIFF'S COMPLAINT**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on April 12, 2010

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This matter having come before the Court on the March 17, 2010 Report and Recommendation of United States Magistrate Judge Michael Hluchaniuk recommending that the Court dismiss Plaintiff's Complaint pursuant to 28 U.S.C. § 1915 and Federal Rule of Civil Procedure 12(b)(1) because Plaintiff has failed to state any discernable claim for relief and this Court has no subject matter jurisdiction; and no timely objections having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's file of this matter; and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's Complaint should be

dismissed with prejudice, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's March 17, 2010 Report and Recommendation [**Dkt. # 12**] is hereby ADOPTED by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Plaintiff Wendell Dwayne O'Neal's Complaint [**Dkt. # 1**] is DISMISSED WITH PREJUDICE.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: April 12, 2010

I hereby certify that a copy of the foregoing document was served upon Wendell Dwayne O'Neal, 126 Mills Creek Crossing, Madison, AL 35758 on April 12, 2010, by ordinary mail.

s/Ruth A. Gunther  
Case Manager  
(313) 234-5137